

REMARKS/ARGUMENTS

1. Claim Rejections of claims 1-2, 7-12, 14-16, 18-23, 25-28, and 30-35:

Claims 1-2, 7-12, 14-16, 18-23, 25-28, and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al., US 2004/0122989 A1 (hereinafter “Hall”), and Hu, US 6,170,043 B1 (hereinafter “Hu”), or alternatively over Hu and Hall.

Response:

Claim 1

Independent claims 1, 11, 16, 21, 25, and 27 have been amended to specify that the “initialization data contains instructions required to initialize the components of the electronic device circuit before the microprocessor is able to execute the operational firmware”. As a result of this amendment, the amended claims distinguish between the initialization data and the operational firmware and show that the initialization data is separate and distinct from the operational firmware.

As noted in the Office Action, Hall does not teach receiving initialization data required for initializing the electronic device from the host. Although Hu describes a firmware update system in column 2, lines 17-29, Hu only teaches updating firmware information, but does not teach receiving initialization data required for initializing the electronic device from the host, where the “initialization data contains instructions required to initialize the components of the electronic device circuit before the microprocessor is able to execute the operational firmware”. Since Hu does not mention initialization data as claimed, it appears that Hu’s initialization data is never updated. Therefore, the combination of Hall and Hu fails to teach all of the limitations in independent claims 1, 11, 16, 21, 25, and 27, and these claims are patentable over the cited prior art.

Furthermore, claims 2, 7-10, 12, 14-15, 18-20, 22-23, 26, 28, and 30-35 are dependent upon independent claims 1, 11, 16, 21, 25 and 27, and should be allowed if claims 1, 11, 16,

21, 25 and 27 are found allowable. Reconsideration of claims 1-2, 7-12, 14-16, 18-23, 25-28, and 30-35 is respectfully requested.

2. Claim Rejections of claims 3 and 4:

- 5 Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being obvious over Hall, in view of Hu, as applied to Claim 1 above, and further in view of Kamihara et al. (US PGPub # 2002/0169904), herein Kamihara.

Response:

- 10 Claims 3 and 4 are dependent upon claim 1, and should be allowed if claim 1 is found allowable. Reconsideration of claims 3 and 4 is respectfully requested.

3. Claim rejections of claims 36 and 37

Claims 36 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall.

Response:

- 15 Claims 36 and 37 have been cancelled, and are no longer in need of consideration.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Appl. No. 10/709,735
Amdt. dated January 31, 2008
Reply to Office action of October 11, 2007

Sincerely yours,



Date: 01.31.2008

Winston Hsu, Patent Agent No. 41,526

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- 10 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,735	05/25/2004	Chih-Chiang Wen	MTKP0165USA	3734
27765 7590 01/22/2008 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER PORTKA, GARY J	
			ART UNIT 2188	PAPER NUMBER
			NOTIFICATION DATE 01/22/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com
Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com.tw

Interview Summary	Application No.	Applicant(s)	
	10/709,735	WEN ET AL.	
	Examiner	Art Unit	
	Gary J. Portka	2188	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Gary J. Portka (PTO). (3) _____
 (2) Scott Margo (Apps. Rep., Reg. #56,277). (4) _____

Date of Interview: 15 January 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____

Claim(s) discussed: 1, 11 and 37.

Identification of prior art discussed: Hu, US 6,170,043 B1.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative questioned how the reference met the limitation of initialization data. Examiner responded that firmware was in general used to initialize as well as operate devices, and that the claim language did not appear to differentiate in this regard. Applicant's representative intends to review and possibly amend to clarify this limitation.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**GARY PORTKA
 PRIMARY EXAMINER**

Gary J Portka

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required



**North America
Intellectual Property corporation**

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FAX TO : PORTKA, GARY J

ART UNIT: 2188

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FROM : Winston Hsu, PATENT AGENT, REG. NO. : 41,526

SERIAL NO. : 10/709,735

ATTORNEY DOCKET NO.: MTKP0165USA

**SUBJECT: Authorization to Act in a Representative Capacity Form
& Applicant Initiated Interview Request Form**

TOTAL PAGES : 3 PAGES (INCLUDING COVER PAGE)

Winston Hsu 01/14/2008

PTOL-413A (09-04)
Approved for use through 07/31/2008, OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/709,735 First Named Applicant: Chih-Chiang Wen
Examiner: Portka, Gary J Art Unit: 2188 Status of Application: Final Rejection

Tentative Participants:

(1) Scott Margo # 56,277 (2) Examiner Portka, Gary J
(3) _____ (4) _____

Proposed Date of Interview: Friday Jan. 15th, 2008 Proposed Time: 7:00 AM (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art Hu	Discussed	Agreed	Not Agreed
(1) <u>Rejection of</u>	<u>claim 1</u>	<u>Hu</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

Examiner relies on Hu for teaching the limitation of "downloading initialization data required for initializing the electronic device from the host". Applicant disagrees, and believes that Hu only downloads updated firmware, but no initialization data. Hu's disk drive is able to operate normally before firmware download.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Scott Margo
Applicant/Applicant's Representative Signature
Scott Margo

Examiner/SPE Signature

Typed/Printed Name of Applicant or Representative

email: scottmargo@naipo.com
voicemail: (302) 729-1562

56,277

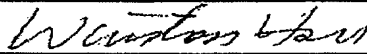
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Sample Form (09-04)

AUTHORIZATION TO ACT IN A REPRESENTATIVE CAPACITY

In re Application of: Chih-Chiang Wen					
Application No. 10/709,735					
Filed: 05/25/2004					
Title: Optical Disc Drive that Downloads Operational Firmware from an External Host					
Attorney Docket No. MTKP0165USA	Art Unit 2188				
<p>The practitioner named below is authorized to conduct interviews and has the authority to bind the principal concerned. Furthermore, the practitioner is authorized to file correspondence in the above-identified application pursuant to 37 CFR 1.34:</p> <table border="1"><thead><tr><th>Name</th><th>Registration Number</th></tr></thead><tbody><tr><td>Scott Margo</td><td>56,277</td></tr></tbody></table>		Name	Registration Number	Scott Margo	56,277
Name	Registration Number				
Scott Margo	56,277				
<p>This is not a Power of Attorney to the above-named practitioner. Accordingly, the practitioner named above does not have authority to sign a request to change the correspondence address, a request for an express abandonment, a disclaimer, a power of attorney, or other document requiring the signature of the applicant, assignee of the entire interest or an attorney of record. If appropriate, a separate Power of Attorney to the above-named practitioner should be executed and filed in the United States Patent and Trademark Office.</p>					
SIGNATURE of Practitioner of Record					
Signature 	Date 01/14/2008				
Name Winston Hsu	Registration No., if applicable 41,526				
Telephone 302-729-1562					

This form offers a sample or suggested format for an authorization for an agent. See MPEP § 713.05 for more information. This sample form is not an OMB officially approved form.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.